

**Comments in Response to Localism Notice of Proposed Rulemaking  
MB Docket No. 04-233**

I submit the following comments in response to the Localism Notice of Proposed Rulemaking (the "NPRM"), released Jan. 24, 2008, in MB Docket No. 04-233.

Any new FCC rules, policies or procedures must not violate First Amendment rights. A number of proposals discussed in the NPRM, if enacted, would do so – and must not be adopted.

These proposals are an unconstitutional encroachment upon the rights of many by a small minority who aim to foist their views upon others. Furthermore, radio needs less, not more regulation, and this would be a step in the wrong direction for the United States. These proposed regulations would only further the constant march towards so-called "political correctness" and away from the values that make this country what it is.

(1) The FCC must not force radio stations, especially religious and political broadcasters, to take advice from people who do not share their values. The NPRM's proposed advisory board proposals would impose such unconstitutional mandates. Broadcasters who resist advice from those who don't share their values could face increased harassment, complaints and even loss of license for choosing to follow their own consciences, rather than allowing incompatible viewpoints to shape their programming. The First Amendment prohibits government, including the FCC, from dictating what viewpoints a broadcaster, particularly a religious broadcaster, must present.

(2) The FCC must not turn every radio station into a public forum where anyone and everyone has rights to air time. Proposed public access requirements would do so – even if a religious broadcaster conscientiously objects to the message. The First Amendment forbids imposition of message delivery mandates on any religion. If someone feels they need to express their views, even if they are different, there are already many venues on existing radio stations without encroaching upon the rights of others.

(3) The FCC must not force revelation of specific editorial decision-making information. The choice of programming is should not be dictated by any government agency or a government appointed committee – and proposals to force reporting on such things as who produced what programs would intrude on constitutionally-protected editorial choices.

(4) The FCC must not establish a two-tiered renewal system in which certain licensees would be automatically barred from routine renewal application processing. The proposed mandatory special renewal review of certain classes of applicants by the Commissioners themselves would amount to coercion of religious broadcasters. Those who stay true to their consciences and present only the messages they correspond to their beliefs could face long, expensive and potentially ruinous renewal proceedings.

(5) Many broadcasters operate on tight budgets. Simply keeping the electricity flowing is often a challenge. Yet, the Commission proposes to further squeeze niche and smaller market broadcasters, by substantially raising costs in two ways: (a) by requiring staff presence whenever a station is on the air and, (b) by further restricting main studio location choices. Raising costs with these proposals would force service cutbacks – and curtailed service is contrary to the public interest. Furthermore, these proposals would require wasteful duplication of resources and would reduce choice, an important part of true freedom.

I urge the FCC not to adopt rules, procedures or policies discussed above.

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